



**U.S. Department of Justice**  
Civil Division

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June 9, 2025

**By ECF**

Honorable Michael E. Farbiarz  
United States District Judge  
Martin Luther King, Jr. Bldg. & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

Re: *Khalil v. Joyce, et al.*, Civ. Act. No. 25-1963 (MEF) (MAH)  
**Government's Response to ECF No. 282**

Dear Judge Farbiarz:

Respondents (“the Government”) respectfully submit this response to the Court’s order following Petitioner Mahmoud Khalil’s additional submissions to the Court, *see* ECF No. 281.

The Third Circuit has held that a court may decide a preliminary injunction motion on the papers “when the facts are not in dispute, or when the adverse party has waived its right to a hearing.” *Prof'l Plan Exam'rs of New Jersey, Inc. v. Lefante*, 750 F.2d 282, 288 (3d Cir. 1984) (internal citations omitted). But “a district court is not obliged to hold a hearing when the movant has not presented a colorable factual basis to support the claim on the merits or the contention of irreparable harm.” *Bradley v. Pittsburgh Bd. of Educ.*, 910 F.2d 1172, 1176 (3d Cir. 1990). A hearing is not required because Khalil has not presented a colorable factual basis to support his irreparable harm argument. *See* Gov’t Letter in Response to Irreparable Harm. Should the Court disagree, then the Government is willing to waive a hearing. In so doing, the Government does not concede that the various declarations are accurate or reliable. Nor does the Government concede that the declarations are relevant or persuasive to show irreparable harm. *See* Gov’t Letter in Response to Irreparable Harm.

Although the Government does not believe a hearing is necessary, the Government expressly reserves its right to appeal on the basis that Khalil failed to meet his burden and establish irreparable harm.

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Respectfully submitted,

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